REMARKS

Claims 1-4, 7-9, 11, 13-15, 18-20, and 23-44 remain in the application with claims 2-4, 7-9, 11, 13-15, 18-20, and 41 having been amended hereby and claims 1, 5, 6, 10, 12, 16, 17, 21, and 22 having been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the objection to claim 42 as containing an informality.

The objected-to term cannot be found in claim 42. On PTO-326 claim 41 is objected to and, in fact, a typographical error appearing in claim 41 has been corrected hereby.

Reconsideration is respectfully requested of the rejection of claims 1-40 under 35 USC 102(e), as being anticipated by Shear et al..

The present invention is intended to provide a method and apparatus for controlling the reproduction of digital audio data. According to one feature of the present invention, it is determined whether the apparatus connected to the inventive circuitry is capable of recording digital data. Thus, an authentication circuit is a part of the present invention. If it is detected that the device connected to the inventive circuitry is capable of recording the digital data, the digital output data line is opened and only an analog audio signal is produced. Another feature of the present invention is that it is known that when making copies of a digital audio data it is typically a feature to operate the source disk at a higher speed than normal, so as to speed up the digital data transfer operation. Thus, another feature of the present

invention is an output speed detecting circuit that determines whether the source disc is being run at a higher rotation rate than normal and, if so, can operate to block the output of the digital data. Another feature of the present invention relates to detecting the amount of output data that is being provided. If only one song is being provided, for example, such data might be permitted. On the other hand, if the entire source disk is being reproduced and output, the digital output data can be blocked and only an analog signal is provided. Combinations of these above-described features are also taught by the present invention.

The claims have been amended hereby to emphasize the above-noted features of the present invention.

Shear et al. relates to a so-called platform that can release content to a video cassette recorder in which the platform receives a digital ID that designates the output device as being a video cassette recorder and, according to Shear et al., the platform can refuse to provide any output unless such a digital ID identifying the output device as a lower quality analog device is provided. Thus, Shear et al. blocks the recording of digital data. Shear et al. discloses that encrypted digital properties can be put on a DVD, for example, in a so-called tamper-resistant software "container" such as a so-called "Digibox" secure container, together with commands such as "copy", "no copy", "numbers of permitted copies", and the like that may apply and can be enforced by consumer appliances.

Independent claims 1 and 12 have been cancelled, hereby, as have dependent claims 5, 6, 10, 12, 16-17, and 21-22 that relate to controlling the transmission of output data based on copy protection information.

On the other hand, the remaining dependent claims that depended originally from claims 1 and 12 have been placed in independent form. It is respectfully submitted that the limitations of these dependent claims now in independent form are not shown or suggested in Shear et al.

Claim 2 recites that the external-apparatus identifying means determines whether the external-apparatus has a memory for storing data and the control means stops the transmission of the output data when the external apparatus identifying means determines that the external apparatus is a data storage apparatus.

The office action states that Shear, et al. discloses these features at paragraph 0030 and 0054. Nevertheless, it is respectfully submitted that a review of these two relevant paragraphs reveals that nothing like what is being recited in claim 2 is set forth.

0054 relates to the digibox but does not disclose the feature of the present invention set forth in amended claim 2.

Claim 3 recites that the external-apparatus identifying means determines what version the external-apparatus is.

The office action points to paragraph 0070 of Shear et al. et al. as disclosing this feature. Nevertheless, 0070 simply relates to the further advances that can be made using the so-called platform, such as software emulations and the

like, but does not discuss versions of apparatus connected to the platform.

Claim 4 recites that the identifying means determines whether the external apparatus is a copyright-related apparatus.

The office action points to paragraph 0054 as disclosing this. As noted hereinabove, this simply is the Digibox discussion and does not relate to the so-called copyright related apparatus as in claim 4.

Claim 7 relates to controlling the output database upon detecting the amount of output data to be transmitted.

The office action points to paragraph 0092 of Shear et al. as relating to this same object. Nevertheless, 0092 simply relates to a scheme for permitting people or parties that change the initial object data to share in the revenue received.

Claim 8 relates to controlling the output data in accordance with the speed at which the output data has been reproduced.

The office action points to paragraph 0179 of Shear et al. as having such a disclosure.

Nevertheless, as seen in paragraph 0179, this disclosure simply relates to a discussion of the IEEE 1394 bus and the manner in which the high-speed memory is actually mapped into the digital serial bus, which is the well-known 1394 bus.

Claim 9 recites that the output data is controlled based on the recording medium being employed.

The office action points to paragraph 00220 of Shear et al. as having a similar disclosure. Nevertheless, paragraph 0020 relates to a so-called secure container that contains the encryption key needed to decode the data and not to the actual recording medium itself, as in amended claim 9.

Claim 11 relates to charging a fee in accordance with the determination of the kind of external apparatus that has been made by the external apparatus identifying means.

Paragraph 0092 of Shear et al. is pointed to as having such a disclosure.

Nevertheless, although that paragraph of Shear et al. does contain the word "revenue", it relates to sharing the revenue with users of the platform and not charging a fee based on the external apparatus that has been identified as in claim 11.

As noted, claim 12 has been cancelled and the dependent claims therefrom have been amended to independent form. The same rejections as above have been applied to the claims dependent from claim 12 and the same assertions for patentability of those claims as set forth above is also made in relation to those method claims.

Claim 23 recites the use of a plurality of different interfaces and controlling the output based upon the detected kinds of the various interfaces.

The office action points to paragraph 0039, 0282, and 0220 of Shear et al. as having such disclosure.

Nevertheless, it is respectfully submitted that none of

these paragraphs even contain the word "interface" let alone controlling what output data is made based upon the determined kind of the interfaces, as recited in claim 23.

In claim 39, the data corresponding to the sum of the fees is recorded on the actual recording medium together with the output data that is the basis of the fees. Similarly, claim 40 relates to the reason corresponding to the sum of the fees being provided on the actual recording medium from which the output data is being derived.

It is respectfully submtited that Shear et al. does not have similar disclosure since Shear et al. does not operate to change data on the actual recording medium that is being reproduced.

Reconsideration is respectfully requested of the rejection of claims 41-44 under 35 USC 103, as being unpatentable over Shear et al. in view of Ottesen et al.

Shear et al. et al. has been applied as discussed hereinabove and Ottesen et al. is cited for a disclosure of communicating a billing signal to the information network.

Claims 41 and 43 relate to recording the data corresponding to the sum of the fees being charged on the actual recording medium together with the output data. Claims 42 and 44 relate to providing a region corresponding to a sum of the fees on the recording medium that has recorded the output data.

It is respectfully submitted that these features of the present invention are not found in Ottesen et al. and, as

noted hereinabove, are not disclosed in Shear et al. et al. either.

Therefore, it is respectfully submitted in view of the amendments made to the claims hereby, as well as the above remarks, that a system for controlling the output of digital data, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references, alone or in combination.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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JHM:gr

MARKED SHEET SHOWING CHANGES

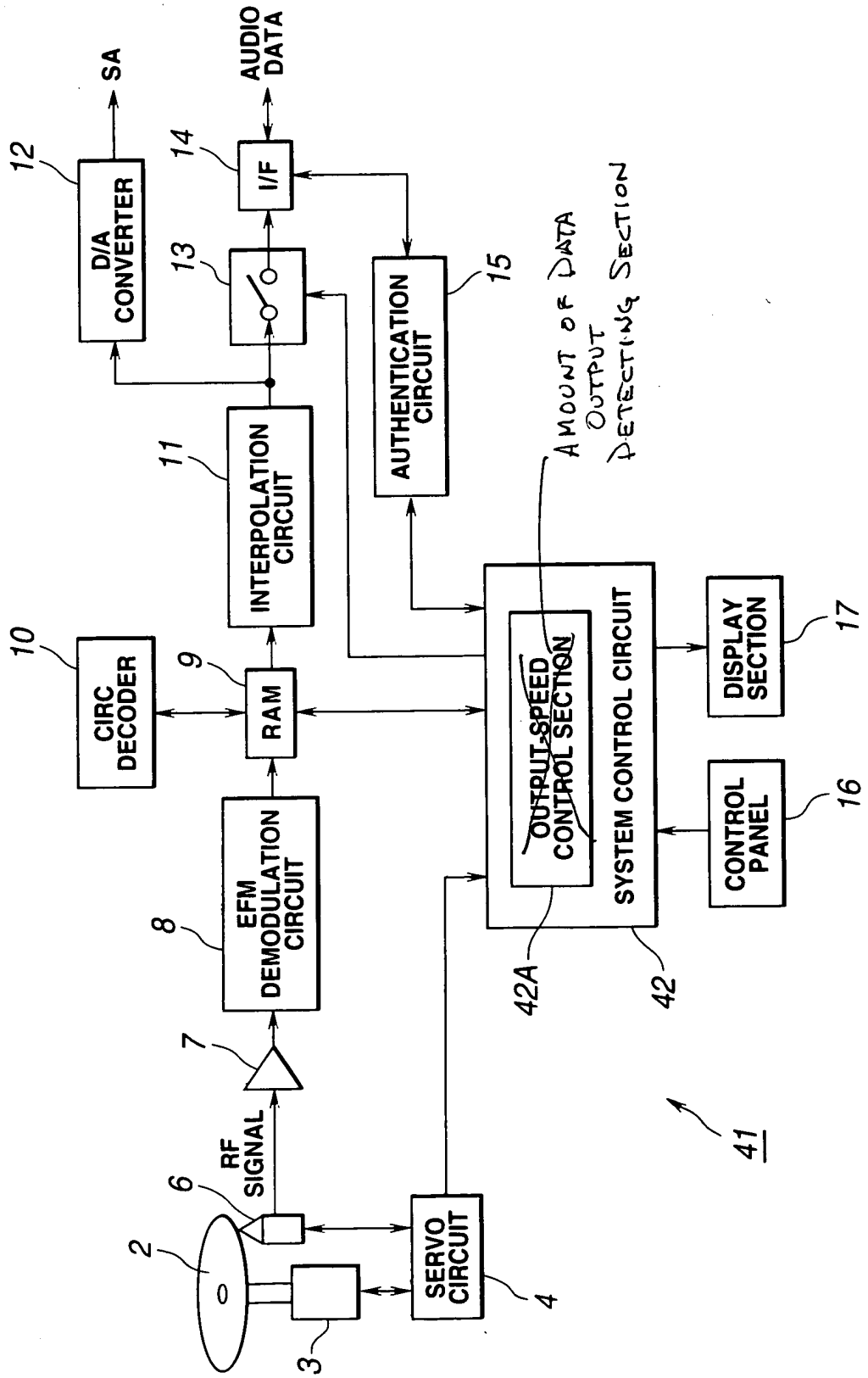

FIG.9

MARKED SHEET SHOWING CHANGE

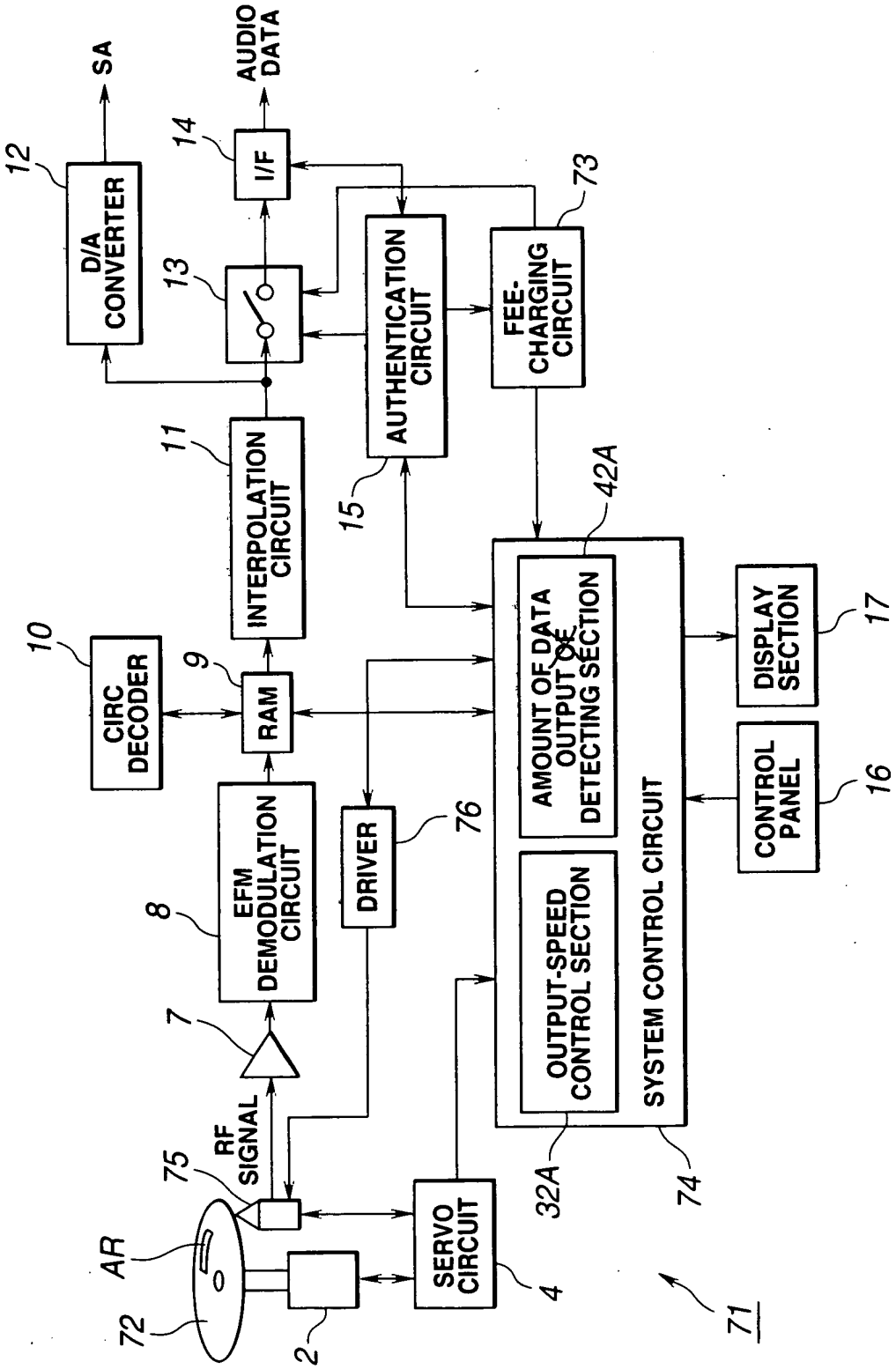

FIG.12

MARKED SHEET SHOWING CHANGES

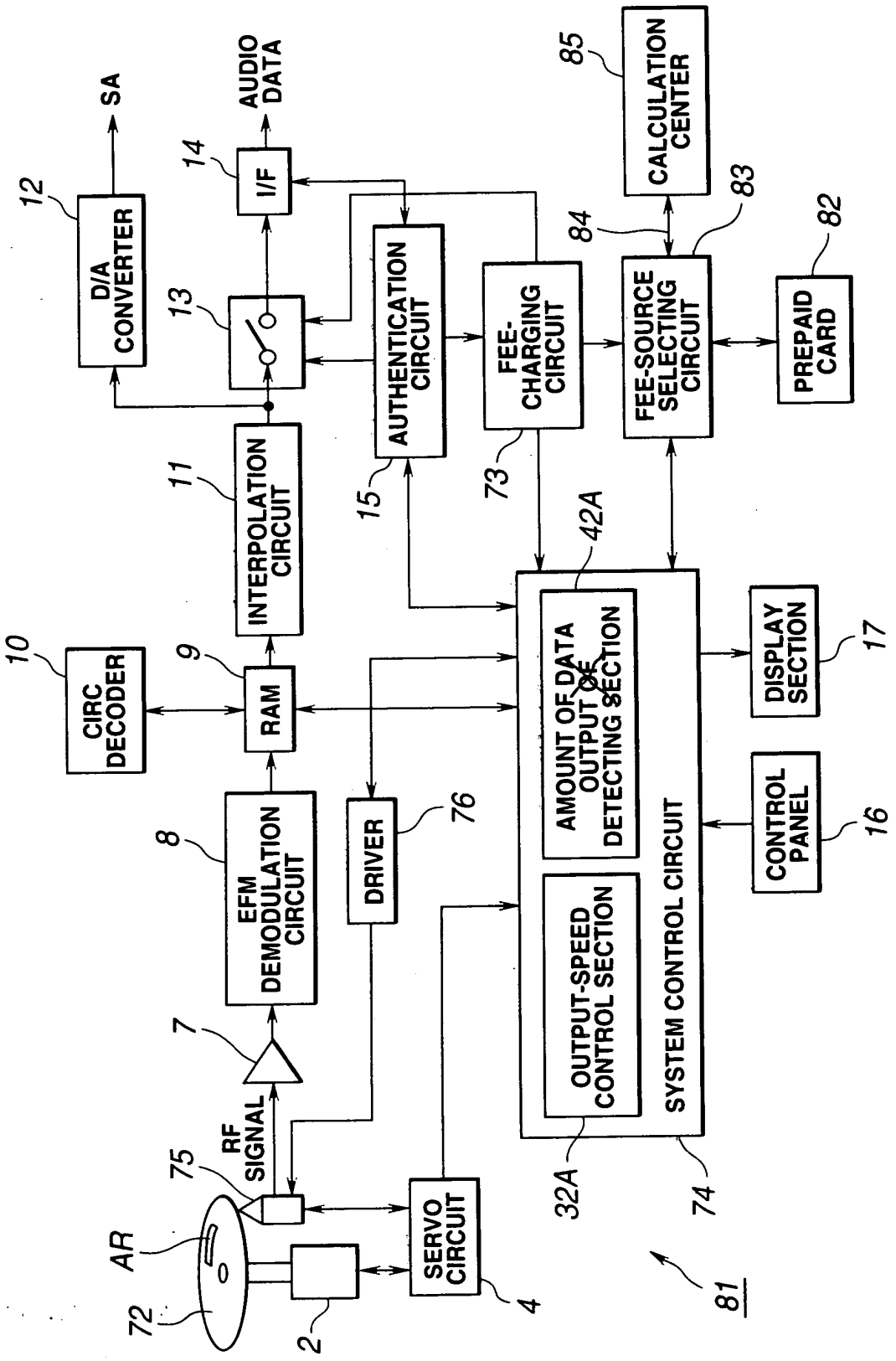

FIG.14